REMARKS

Claims 21-35 remain in the application. Claims 23-25 and 32 stand rejected. Claims 26-31, 33,

and 34 have been indicated by the Examiner as allowable.

Claim Rejections - 35 USC § 102

Claims 23-25 and 32 rejected under 35 U.S.C. 102(b) as being anticipated by US

Patent No. 5,557,730 (Frid-Nielsen). Applicants respectfully disagree and request

reconsideration in view of the below remarks.

A rejection based on 35 U.S.C. 102(b) can be overcome by persuasively arguing that

the claims are distinguishable from the prior art. MPEP § 706.02(b). Each of the claims 23-

25 and 32 are distinguishable from Frid-Nielsen because each claim includes at least one

element not disclosed by Frid-Nielsen.

To anticipate a claim, a reference must teach every claimed element. MPEP § 2131.

Furthermore, the examiner bears the burden of proof to show claim anticipation. See In re

Caveney, 761 F.2d 671, 674 (Fed. Cir. 1985). Such proof must amount to a preponderance of

the evidence to warrant rejection of claims. Id.

Here, the Examiner maintains with respect to claim 23 that:

> Frid-Nilson anticipates a computer-readable medium whose
> contents cause a computer system to supplement a computer
> programming statement by performing the steps of:
> automatically displaying the computer programming statement
> (Frid, front of Patent the window showing the object contents
> to select from); and proximate to the display of an *incomplete*
> *computer programming statement*, automatically displaying a
> dynamic list of one or more textural programmatic entities
> (Frid, front of Patent select methods to compete statement -
> also see Figure 6A - Please take reference as a whole).

Action p. 2 (emphasis added).

Applicants submit that all of the elements noted in the Examiner's own summary of

the claimed invention are not met by Frid-Nielson. The Frid-Nielson figures referred to by

the examiner describe a "browser 380 [that] is provided for exploring the objects in one's

programs" and not the claimed "automatically displaying the computer programming

statement; and *proximate to the display of an incomplete computer programming statement*,

automatically displaying a dynamic list of one or more textural programmatic entities."

Indeed, the Frid-Nielson citation describes the browser functionality as follows: "In general,

the user compiles the program he or she wants to browse. Next, the browser is activated...."

Such a system does not meet all of the limitations of claim 23 at least because it works on

complete, e.g., compiled, programming statements.

Inasmuch as claim 24 depends from claim 23, Applicants submit that that claim is not

anticipated by Frid-Nielson for at least the reasons described with respect to claim 23.

With respect to claim 25, the Examiner maintains that:

> (Previously Presented) A method for *assisting a computer
> programmer in modifying a programming language
> statement*, the method comprising: enabling a positionable
> cursor within a programming language editing tool;
> automatically generating a passive assist window in response to
> the location of the positionable cursor, *the passive assist
> window containing programming language statement
> information including at least one of selection menu
> information and information related to the programming
> language statement*. As per claim 23.

Action p. 2.

Applicants submit that Frid-Nielson at least does not assist in modifying a

programming language statement as claimed in claim 25, wherein a passive assist window is

automatically generated that contain program programming language statements information.

Rather, the browser of Fird-Nielson contains symbol information about a currently browsed symbol. The information in the browser does not contain programming language statement information that is used to modify the programming language statement. Because Frid-Nielson does not teach all of the claimed limitations of claim 25, claim 25 is not anticipated by Frid-Nielson.

Regarding claim 32, again the examiner reiterated the claim and provided the terse anticipation analysis of merely referring back to the claim 23 rejection. Applicants submit that claim 32 requires "a computer readable medium containing computer executable instructions to perform a method for assisting a computer programmer in modifying a programming language statement," wherein a passive assist window is automatically generated that contain program programming language statements information. As described with respect the claim 25 analysis above, the information in the Frid-Nielson browser does not contain programming language statement information that is used to modify the programming language statement. For at least that reason, Frid-Nielson cannot be said to anticipate claim 32.

The Examiner objected to claims 26-31, 33 and 34 as dependent upon a rejected base claim. Applicants thank the Examiner for the recognition of the distinction of claims 26-31, 33 and 34. Applicants submit that the claims are allowable in their present form inasmuch as Applicants submission that claims 25 and 32 are patentable over Frid-Nielson.

Regarding a Terminal Disclaimer covering claim 35, Applicants representative submitted a Terminal Disclaimer dated August 27, 2002 that disclaimed the terminal part of the statutory term of *any patent granted on the present application.* As such, Applicants submit that an additional Terminal Disclaimer specific to claim 35 is unwarranted.

CONCLUSION

A Notice of Allowance for all pending claims is respectfully solicited.

Date: July 21, 2004

_____

Michael J. Swope
Registration No. 38,041

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439